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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: AMY TEMES, PLANNER II
480-503-6729, AMY.TEMES@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER AICP, PRINCIPAL PLANNER
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: FEBRUARY 5, 2014

SUBJECT:

A. GP13-15 ENCLAVE AT SAN TAN VILLAGE: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 20.61 ACRES OF REAL PROPERTY GENERALLY LOCATED EAST OF THE NORTHEAST CORNER OF GREENFIELD AND PECOS ROADS FROM RESIDENTIAL > 0-1 DU/ACRE LAND USE CLASSIFICATION TO RESIDENTIAL > 1-2 DU/ACRE; AND

B. Z13-26 ENCLAVE AT SAN TAN VILLAGE: REQUEST TO REZONE APPROXIMATELY 20.61 ACRES OF REAL PROPERTY GENERALLY LOCATED EAST OF THE NORTHEAST CORNER OF GREENFIELD AND PECOS ROADS FROM TOWN OF GILBERT SINGLE FAMILY – 43 (SF-43) ZONING DISTRICT TO TOWN OF GILBERT SINGLE FAMILY - 15 (SF-15) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE:

Community Livability

Allow for a General Plan Amendment and Rezoning for a recently annexed property intended for large lot subdivision development.

RECOMMENDED MOTION

- A. MOVE TO RECOMMEND TO TOWN COUNCIL APPROVAL OF GP13-15 A MINOR GENERAL PLAN AMENDMENT; AND**
- B. FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z13-26, AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.**

APPLICANT/OWNER

Company:	Iplan Consulting	Company:	Franklin E Gray Trust
Name:	Greg Davis		and Higley Gray LLC
Address:	4387 E. Capricorn Place	Address:	16264 E. Pecos Road
	Chandler, AZ 85249		Gilbert, AZ 85297
Phone:	480-227-9850		
Email:	iplangd@cox.net		

BACKGROUND/DISCUSSION

History

<i>Date</i>	<i>Action</i>
October 9, 2013	Blank annexation petition filed at Maricopa County.
November 6, 2013	Planning Commission Study Session for GP13-15, Z13-26 and S13-11.
November 7, 2013	Town Council held a public hearing on annexation.
December 19, 2013	Town Council approved A13-01

Overview

The subject property has been annexed into the Town of Gilbert. A.R.S. § 9-471(L) requires an annexing city or town to adopt zoning classifications for territory at the time of annexation that permit densities and uses no greater than those permitted by the county immediately before annexation. The property in the County was zoned Rural – 43 (RU-43). The annexation process provided for the comparable Town of Gilbert zoning of Single Family - 43 (SF-43).

This rural residential and farm property is bounded by Pecos Road, which is an arterial roadway to the south, and the new LDS Temple and Somerset Master Planned Community beyond. The west, north, and east boundaries are shared with County properties on residential rural large lot, One Dwelling Unit/Acre (DU/Acre) or less. Within one mile of the property are the Santan Freeway, Mercy Gilbert Hospital and Medical Center, and San Tan Village.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning
North	Residential > 0-1 DU/Acre	Maricopa County RU-43
South	Residential > 1-2 and Community Commercial	SF-35 and Community Commercial
East	Residential > 0-1 DU/Acre	Maricopa County RU-43
West	Residential > 0-1 DU/Acre	Maricopa County RU-43
Site	Residential > 0-1 DU/Acre	Town of Gilbert SF-43

GENERAL PLAN AMENDMENT

This development request is a minor amendment to approximately 20 acres of the General Plan from Residential > 0-1 DU/Acre to > 1-2 DU/Acre. Although the existing Residential > 0-1 DU/Acre land use classification may have been appropriate in the past, the development of this part of Gilbert, which includes San Tan Village, the Santan Freeway, the LDS Temple and the Mercy Gilbert Medical Campus, has made this property an infill parcel that may warrant a higher density. With that said, the existence of rural residential lots in the area may temper development intensity to a compatible increase of 1.45 DU/Acre overall, which is still consistent with the low density vision of the General Plan between Pecos, Willis, Greenfield and Higley Roads.

CONFORMANCE WITH GENERAL PLAN

According to the applicant, the request to amend approximately 20 acres the General Plan Land Use Map by changing the land use classification from Residential > 0-1 DU/Acre to Residential > 1-2 DU/Acre is founded on the necessity to provide a balance of residential densities to meet the future needs of the Town.

In the General Plan, the Residential > 0-1 DU/Acre classification designates areas for very low-density single-family residential development of a semi-rural character as compared with the Residential > 1-2 DU/Acre classification, which designates areas for low-density single-family residential neighborhood development.

The bullet points below are not meant to be an exhaustive list of conformance with the General Plan vision, but summarizes several of the notable features of the Town's General Plan Policies that the proposed amendment may respond to:

Chapter 2 - Land Use and Growth Areas

Policy 1.1 Maintain a balance of housing types and provide a variety of employment opportunities with easily accessible retail and service uses.

Policy 1.2 Create neighborhoods with an identity that complement Gilbert's heritage and connect to the broader community.

Policy 1.3 Encourage residential development that allows for a diversity of housing types for all age groups and is accessible to a range of income levels.

Policy 2.2 Encourage new residential development adjacent to large lot (low density residential) uses to provide lot size and width transitions between the two types of uses so there is a gradual

increase of residential densities. Where non-residential is adjacent to residential encourage an appropriate transition of open space.

Chapter 3 - Circulation

Policy 3.5 Continue to develop agreements with the RWCD, SRP and Maricopa County Flood Control District to secure easements and rights-of-way for trails and paths where appropriate.

Chapter 6 – Community Design

Policy 2.2 Respect the character of land use areas designated for large lot development that accommodates a semi-rural lifestyle through preserving view corridors, dark sky (reduction of outdoor light pollution) and architecture.

Policy 2.3 Continue the trail system that accommodates equestrian mobility where appropriate, as well as pedestrian and cycling activities to connect to regional systems.

Policy 3.6 Encourage design of common areas in each neighborhood that recognizes open space, passive and active, as a necessity providing recreation for children, youth and adults and designating areas for off-street parking adjacent to active areas.

Policy 3.7 If gated communities are proposed in a master plan or infill project, ensure the natural flow of traffic from arterial and collector roads is uninterrupted and the community remains accessible to pedestrian traffic; and that the private streets be constructed to the same quality level as public streets.

Policy 3.8 Allow gated neighborhoods in infill parcels on a limited basis.

Chapter 8 – Housing and Conservation

Policy 1.1 Add to the variety of housing to meet the needs of all segments of the Gilbert community through neighborhood revitalization, redevelopment and infill developments.

Policy 1.3 Establish guidelines for infill development that respect the scale and character of the neighborhood.

Policy 2.1 Protect and preserve older residential neighborhoods.

Policy 4.1 Promote the development of a broad variety of new housing types.

REZONING

The unique nature of the site, being an infill parcel bordered by County RU-43, and Gilbert SF-35, Community Commercial and diagonal to General Commercial zoning creates a situation where a PAD overlay zoning district would bind a site plan to the zoning and may allow for appropriate modifications of site development standards.

The proposed Development Plan depicts 29 lots that are a minimum of 16,500 sq. ft. for a total project density of 1.4 DU/Acre. The Development Plan illustrates the single point of access off of Pecos Road to this proposed gated neighborhood. An emergency access is provided from Pecos Road at the west end of the site. The primary entrance opens on to the central park and amenity area. Internal circulation is provided by private local streets. Gating was desired for this project due to the site's access being only from Pecos Road and the significant amounts of traffic

Pecos experiences. Although gated, this project does not limit or cut-off any existing or planned community circulation and truly is an enclave development.

Dedication of 164th Street is being requested by the Town Traffic Engineer, but construction of this road is not imminent due to the existing Roosevelt Water Conservation District property that sits at the northwest corner of the Pecos Road and 164th Street alignment. Until and if construction of 164th Street occurs, the Right-of-Way (ROW) and adjacent landscape will be utilized as a pedestrian trail.

Proposed PAD Modifications (IN BOLD CAPITALS)

	<i>Standards</i>	<i>LDC SF-15</i>	<i>Study Session</i>	<i>Proposed PAD</i>
#1	Minimum Lot Size	15,000	20,000 SF	16,500 SF
#2	Minimum Lot Width	90'	50'	50'
#3	Front Setback	30'	30' FRONT ENTRY GARAGE 20' SIDE ENTRY GARAGE 15' LIVABLE/COVERED PORCH	30' FRONT ENTRY GARAGE 20' LIVABLE/COVERED PORCH/ SIDE ENTRY GARAGE
#4	Lot Coverage	35%	40% 1-STORY 35% 2-STORY	40% 1-STORY 35% 2-STORY
	Side Setback	15'	10' MIN WITH A SIDE SETBACK TOTAL OF 30'	15'
	Rear Setback	30'	20'	30'

#1 As stated above, a minimum lot size has been discussed by staff and the applicant in order to be consistent with the policies of the General Plan, which encourage new residential development adjacent to large lot (low density residential) uses to provide lot size and width transitions between the two types of uses. This results in a gradual increase of residential densities.

#2 The minimum lot width was modified to accommodate corner lots that are the largest lots within the proposed subdivision, but irregular in shape.

#3 The applicant has requested a varied front setback based on front loaded and side loaded garages. To encourage an active street and eyes on the street, livable/covered porches/side entry garages are requested at a setback of 20'.

#4 To help encourage single story homes, the applicant has requested a 5% greater lot coverage for one-story homes. Single story homes were preferred by some of the adjacent neighbors.

The other development standard requests discussed at study session were removed from consideration based on Planning Commission input.

PUBLIC NOTIFICATION AND INPUT

Three neighborhood meetings have been held as part of the Pre-Application and application process. For the first neighborhood meeting, property owners within 300' were noticed, which is consistent with the Town's and Maricopa County's notification requirements. However, some of the large lot residents attending commented that they did not believe 300' to be an adequate distance in large rural areas. The applicant offered to widen the notification area to 1,200 feet for the second neighborhood meeting. Therefore, all owners within 1,200' and all HOAs within 1,000-feet of the property were notified and will continue to be noticed for all public hearings.

At the first neighborhood meeting was held on June 17, 2013, many of the adjacent County residents were against any annexation or rezoning attempts, wanting the property to remain in the County. A lot of negative sentiment may exist from the fire service prompted annexation attempts from years past. The neighbors also expressed a desire for larger lots than the 10,000 sq. ft. and 15,000 sq. ft. size shown. The neighbors were also concerned about traffic if 164th Street was constructed. Discussion regarding 164th Street has clarified that this project would not spur the construction of 164th Street due to the Roosevelt Water Conservation District (RWCD) property at Pecos Road. If this RWCD property were sold or abandoned, then the Town would study the possibility of constructing 164th Street. Until that scenario occurs, 164th Street will be developed and used as a pedestrian way.

The second neighborhood meeting was held in August 2013 and had more attendees due to the extended notification boundary. A majority of the attendees were supportive of the larger lots depicted on the revised proposal. Although the adjacent residents have no desire to annex into Gilbert, they acknowledge the land owner's right to do so and were supportive of the project subject to the plans presented at the meeting and submitted to the Town.

No neighbors attended the 3rd neighborhood on January 7, 2014.

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

Staff has received **no** comment from the public.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.

2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP13-15 to change the land use classification for approximately 20.61 acres of real property generally located east of the northeast corner of Greenfield and Pecos Roads from Residential > 0-1 DU/Acre land use classification to Residential > 1-2 DU/Acre land use classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z13-26 , a request to rezone approximately 20.61 acres of real property generally located east of the northeast corner of Greenfield and Pecos Roads from Town of Gilbert Single Family -43 (SF-43) zoning districts to Single Family - 15 (SF-15) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions:
 1. Dedication to Gilbert for 164th Street right-of-way that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of 164th Street shall extend 33' feet from the center line.
 2. Cash-in-lieu payment for off-site improvements to 164th Street, based on the Town Engineer's estimate for the half street improvements, shall be deposited with Gilbert prior to or at the time of recordation of the final plat. If Developer constructs the 164th Street half-street improvements, Gilbert shall, upon final acceptance of the improvements, release the cash-in-lieu payment to Developer.
 3. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
 4. Developer shall create a Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the rights-of-way.
 5. Developer shall record easements to be owned by the HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.

6. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
7. The Project shall be developed in conformance with Gilbert's zoning requirements for the Single Family-15 (SF-15) zoning district and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Minimum Lot Size	16,500 square feet
Lot Coverage	40% 1-story 35% 2-story
Front Building Setback	30' to face of garage 20' to living area/covered porch/side entry garage
Minimum Lot Width	50'

Respectfully submitted,

Amy Temes
Planner II

Attachments:

Attachment 1	NOPH
Attachment 2	Aerial Photo
Attachment 3	General Plan Exhibit
Attachment 4	Zoning Exhibit
Attachment 5:	Development Plan
Attachment 6:	Minutes from a Planning Commission Study Session 11/6/2013

Notice o

GP13-15 and Z13-26: Enclave at SanTan Village Attachment 1 -Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, February 5, 2014* TIME: 6:00 PM

TOWN COUNCIL DATE:

Thursday, March 6, 2014* TIME: 7:00 PM

LOCATION: Gilbert Municipal Center, Council Chambers

50 E. Civic Center Drive

Gilbert, Arizona 85296

*** Call Planning Department to verify date and time: (480) 503-6700**

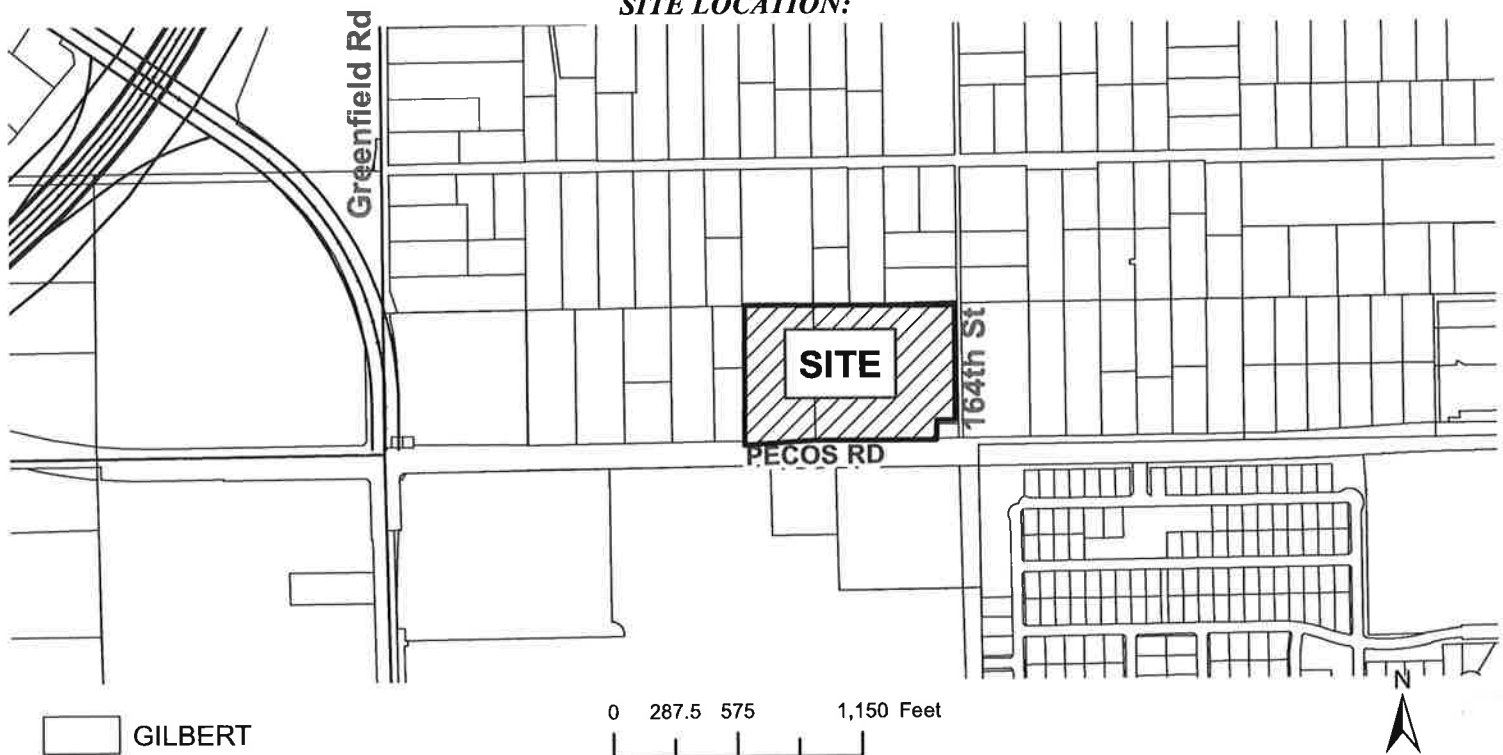
REQUESTED ACTION:

GP13-15: Request for Minor General Plan Amendment to change the land use classification of approximately 20.61 acres of real property generally located east of the northeast corner of Greenfield and Pecos Roads from Residential >0-1 DU/AC land use classification to Residential >1-2 DU/AC land use classification. The effect of this amendment will be to increase the planned density of residential development.

Z13-26: Request rezone approximately 20.61 acres of real property generally located east of the northeast corner of Greenfield and Pecos Roads from approximately 20.61 acres of Town of Gilbert Single Family - 43 (SF-43) zoning district to Town of Gilbert Single Family - 15 (SF-15) zoning district with a Planned Area Development (PAD) overlay, and to amend conditions of development for the Enclave at San Tan Village Planned Area Development (PAD) as follows: Increase the minimum lot size to 16,500 square feet, reduce the minimum lot width to 50', reduce the front setback for living area/covered porches/side entry garage to 20' and to increase the lot coverage for single story homes to 40%. The effect of the rezoning will be increase residential density, increase lot size, decrease front setbacks and increase lot coverage for single story homes. Amy Temes 480-503-6729.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.

SITE LOCATION:



APPLICANT: Iplan Consulting

CONTACT: Greg Davis

ADDRESS: 4387 E. Capricorn Place

Chandler, AZ 85249

TELEPHONE: (480) 227-9850

E-MAIL: Iplangd@cox.net

**GP13-15 and Z13-26: Enclave at SanTan Village
Attachment 2 - Aerial Photo**

Aerial



LEGAL DESCRIPTION

SECTION 34, TOWNSHIP 1 SOUTH, RANGE 6 EAST AND THE NORTH HALF OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A 1/4 BRASS CAP IN HANDHOLE AT THE SOUTH QUARTER CORNER OF THE ABOVE REFERENCED SECTION 34, FROM WHICH A BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER, BEARS S 89°41'15" W 2643.34 FEET FOR A RECORD OF SURVEY RECORDED IN BOOK 1716, PAGE 16; RECORDING 1000 SOUTH MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A 1/4 BRASS CAP IN HANDHOLE AT THE SOUTHWEST CORNER OF SAID SECTION 34, AND TO THE POINT OF BEGINNING.

THENCE LEAVING THE SOUTH LINE OF SAID SECTION 34 AND THROUGH SAID SECTION 3, 50070.13', 31.81 FEET;

THENCE S89°49'37" W, 1263.3 FEET;

THENCE ADJUSTEDLY, PASSING THE SOUTH LINE OF SAID SECTION 34 AT 21.87 FEET FOR A

TOTAL, 1218.44 FEET;

THENCE N89°41'40" E, 1218.44 FEET;

THENCE S89°41'15" W, 583.2 FEET;

THENCE S89°41'15" W, 100.00 FEET;

THENCE S00°07'15" E, 100.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 817,283 SQUARE FEET OR 22.811 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD ON OTHERS.

THE DISCREPANCY SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION INSTRUMENT.

APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

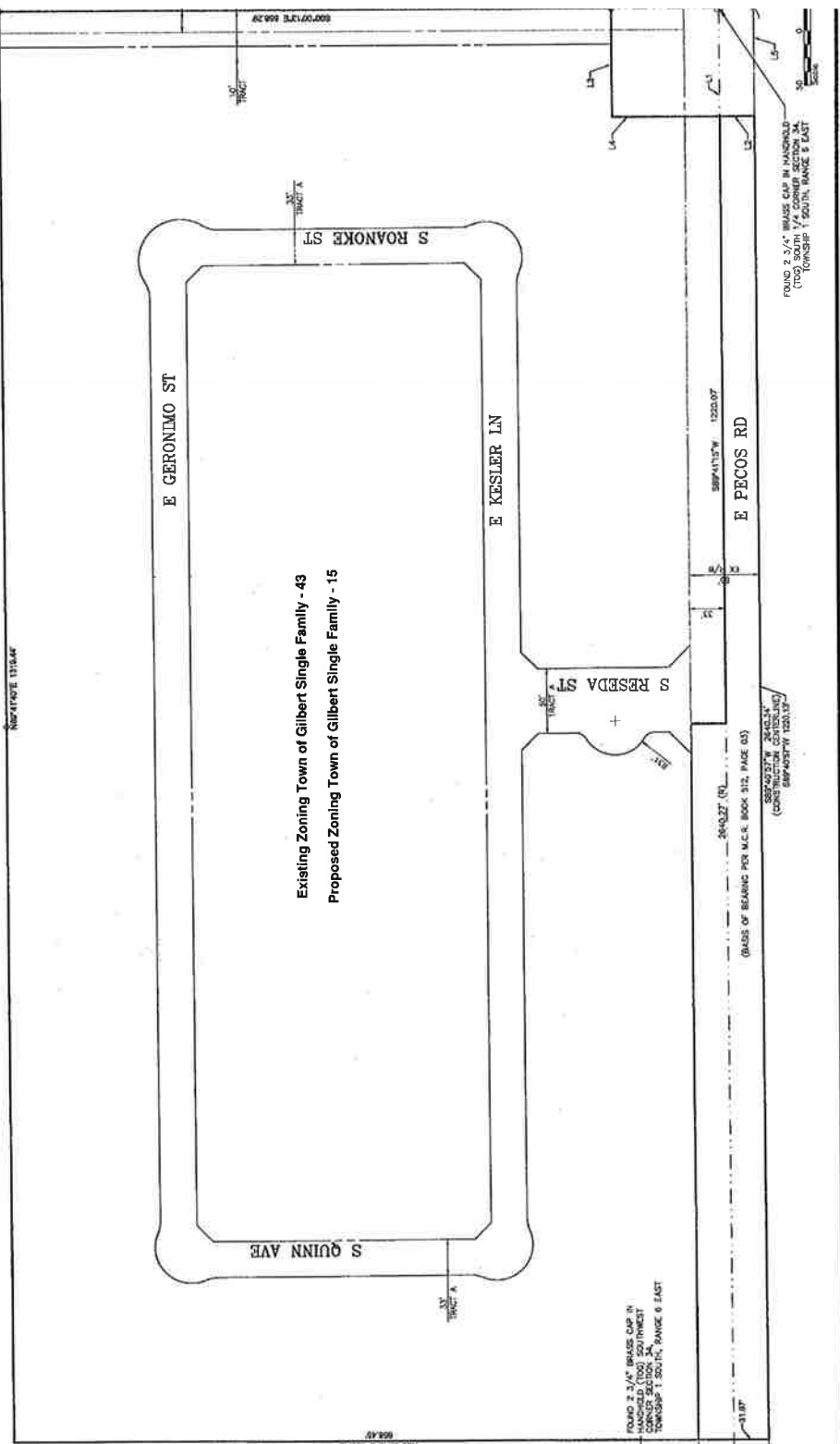
APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

NORTHLINE 1318.44'



Existing Zoning Town of Gilbert Single Family - 43

Proposed Zoning Town of Gilbert Single Family - 15

LEGEND

- SECTION LINE
- BOUNDARY LINE
- PROPOSED PROPERTY LINE
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- FOUND BRASS CAP IN HANDHOLE
- BRASS CAP FLUSH TO TOP OF GILBERT
- FOUND PROPERTY CORNER AS NOTED

CLIENT
STEWART PARRIS, LLC
13175 NORTH ST
SCOTTSDALE, ARIZONA 86260-7250

AREA
20.911 ACRES

REFERENCE DOCUMENTS
RESULT OF SURVEY MAP WEEDENLY & ASSOCIATES
BC 512, PG. 13, M.C.R.

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 6 EAST, BEARING BEING N89°41'15" E BETWEEN THE MONUMENTS AS SHOWN HEREON

APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
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APN: 304-47-03B
ZONING: RU-43

APN: 304-47-03B
ZONING: RU-43

ENCLAVE AT SANTAN VILLAGE

GP13-15 and Z13-26: Enclave at SanTan Village
Attachment 4: Zoning Map

FOUND 2 3/4" BRASS CAP IN HANDHOLE
(TOWNSHIP 1 SOUTH, RANGE 6 EAST)
TOWNSHIP 1 SOUTH, RANGE 6 EAST

**GP13-15 and Z13-26: Enclave at SanTan Village
Attachment 5: Development Plan**

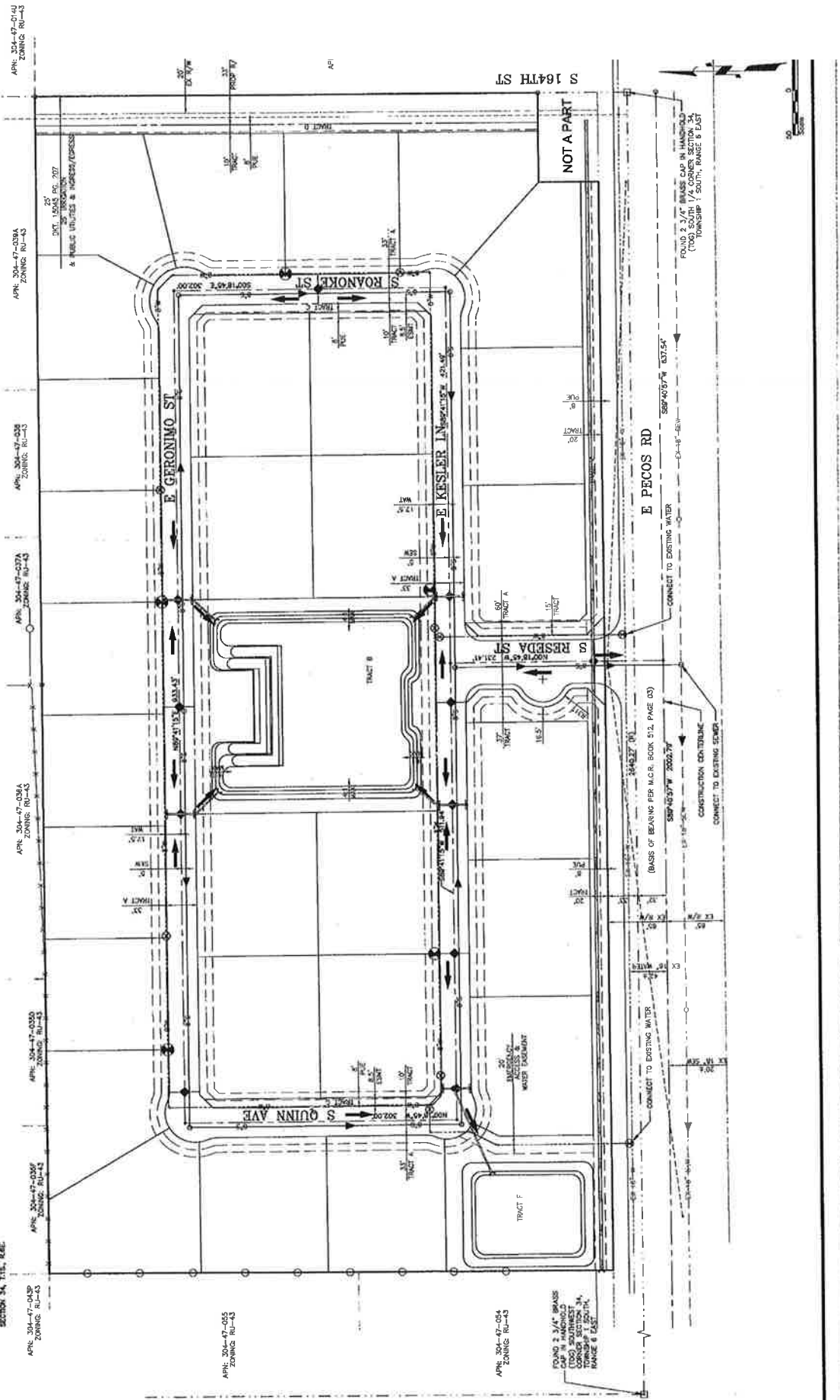
DEVELOPMENT PLAN FOR ENCLAVE AT SAN TAN VILLAGE

PROJECT DATA TABLE	
GROSS ACREAGE	20.81 ACRES
PROPOSED ZONING DISTRICT	PAD SF-15

SF-15 BUILDING SETBACK DATA	
MINIMUM LOT SIDE FRONT	18,000 SF 30 FT TO FRONT FACING GARAGE 30 FT TO LIVING AREA / COVERED PORCH
MAXIMUM LOT COVERAGE - 1 STORY	40%
MINIMUM LOT WIDTH	90 FT



VICINITY MAP
SECTION 34, T.15, R.6E.



GP13-15 and Z13-26: Enclave at SanTan Village Attachment 6 Planning Commission Minutes

**TOWN OF GILBERT
PLANNING COMMISSION, REGULAR MEETING STUDY SESSION
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE GILBERT ARIZONA
NOVEMBER 6, 2013**

COMMISSION PRESENT:

**Chairman Jennifer Wittmann
Vice Chairman Joshua Oehler
Commissioner Brigette Peterson
Commissioner Anthony Bianchi
Alternate Commissioner Khyll Powell**

COMMISSION ABSENT:

**Commissioner David Cavenue
Commissioner Kristofer Sippel
Commissioner Chad Fuller**

STAFF PRESENT:

**Planning Services Manager Linda Edwards
Principal Planner Catherine Lorbeer
Senior Planner Mike Milillo
Senior Planner Al Ward
Planner Amy Temes**

ALSO PRESENT:

**Town Attorney Phyllis Smiley
Recorder Margo Fry**

CALL TO ORDER:

Chairman Jennifer Wittmann called the meeting to order at 5:05 p.m.

GP13-15 - Minor General Plan Amendment to change the land use classification of approximately 20.61 acres of real property generally located east of the northeast corner of Greenfield and Pecos Roads from Residential >0-1 DU/AC land use classification to Residential >1-2 DU/AC land use classification; and

Z13-26 - Rezone approximately 20 acres of real property generally located east of the northeast corner of Greenfield and Pecos Roads from approximately 20 acres of Maricopa County Rural - 43 (RU-43) zoning district to Town of Gilbert Single Family - 15 (SF-15) zoning district with a Planned Area Development (PAD) overlay, and to amend conditions of development for Enclave at San Tan Village Planned Area Development (PAD) as follows: Increase the minimum lot size to 20,000 square feet, reduce the minimum lot width to 50', reduce the front setback for side entry garage to 20', reduce the front setback for livable area and covered porches to 15' to reduce the rear setback to 20' and to increase the lot coverage for single story homes to 40%; and

S13-11 - Preliminary Plat and Open Space Plan for Vertan's Homes at Enclave at San Tan Village for 29 home lots (Lots 1-29) on approximately 20.61 acres of real property located east of the northeast corner of Greenfield and Pecos Roads zoned Single family - 15 (SF-15) with a Planned Area Development overlay.

**Planning Commission
Study Session 11-6-13**

Planner Amy Temes displayed the site map and noted that this site was near the mall and across the street from the LDS Temple that is under construction. She indicated the Fairview neighborhood on the area map and noted that it was a large county island that existed in the very heart of Gilbert. The residents in that area are very protective of their large lot, rural environment and many of them have lived there for several years. It is a very rural environment. The residents recognize that Pecos road is developing and that there is a lot of activity and a great deal of traffic happening. The intersection is very congested that goes up to Santan Village Parkway. However, the residents do not want to lose their rural feel in the middle of town. At the neighborhood meetings there was a great deal of concern about the subject parcel annexing and its development as a subdivision. The residents do not like the idea that there would be a piece taken out of their county island and they want to keep as large lots as possible. Staff recognizes that and assured the residents that they were not planning to add additional annexation parcels into that annexation and that the project was coming forward as shown. The owner has asked staff to Annex and rezone and do a GP Amendment and plat. It originally came in as Single Family (SF) 10,000 ft.² lots with some surrounding SF developed as 15,000 ft.² lots. The first neighborhood meeting met with a lot of resistance. There was a great deal of discussion about the size of the lots, buffering the neighbors, and the character of the neighborhood. The applicant took that to heart and came back with a development plan which Planner Temes displayed. The lots were a minimum 20,000 ft.² per lot. There are some modifications that are being requested as part of the PAD, a lot of which stems from, not the builders desire to cram and jam onto the lots, but the fact that the lots became a wide shallow product. There were some design ramifications with that. There is a modification for lots with which is being primarily requested for the lot at either corner as they are narrow necked and lots must meet their minimum width at their minimum setback and those corner lots were not meeting that. The minimum lot width was reduced to 50 feet. The development plan is going to be approved as part of the PAD and the design will be locked in and they are following with a preliminary plat so staff does not feel that this will be an outstanding issue. Another modification is the front setback. Ms. Temes referred to the following graphic from page 5 of the staff report:

Proposed PAD Modifications (IN CAPITAL)

	Standards	LDC SF-15	Proposed SF-15 with PAD
#1	Minimum Lot Size	15,000	20,000 SF
#2	Minimum Lot Width	90'	50'
#3	Front Setback	30'	30' FRONT ENTRY GARAGE 20' SIDE ENTRY GARAGE 15' LIVABLE/COVERED PORCH
#4	Side Setback	15'	10' MIN WITH A SIDE SETBACK TOTAL OF 30'
#5	Rear Setback	30'	20'
#6	Lot Coverage	35%	40% SINGLE STORY 35% TWO STORY

Planner Temes indicated the aerial map and noted that there were three existing houses adjacent to the subject property but the rest of the properties were pastures and outbuildings for the other users. Even though there is a reduce setback they are pulling the proposed houses forward to get them as far forward as possible with reduced setbacks and do not feel that the reduction in the rear will impact many residents. In most cases when you apply the lot layout and track where the 3 existing homes are located there is really only one lot in relation to each one of those. If it went to SF – 35 it would be within 20 feet of the property line and if it was SF – 43 it would be within 30 feet of the property line for a side setback and 40 feet for a rear setback. Staff feels that it is acceptable. There is a request for a modification on lot coverage from a flat 35% for SF – 15 to 40% for single story and 35% for two-story. Staff has no outstanding issues with that request. Planner Temes asked if the Planning Commission had any comments regarding the rezoning, the modifications or lot configurations.

Commissioner Bianchi said that when they talk about the setback issues and the deviations do they impact all of the lots or just the narrower corner lots.

Planner Temes responded that they could figure out which lots are the most impacted, which ones are wide, shallow, or have a narrow neck. It was simpler to take it across the board and call it for everyone. A lot of the conditions, in pulling it forward to get the houses as far forward as possible has merit in other areas has merit as well. She indicated the site map and pointed out 164th St. and said that right now there was a RW CD facility at the corner that was walled off and prohibits 164th St. from coming through. The builder proposes to dedicate the right-of-way but is going to use it as a trail with landscape so that it can become a pedestrian trail.

Commissioner Bianchi said that with the changes that the applicant made was there any feedback from the neighbors that they liked the mitigation.

Ms. Temes said that a second meeting was held and that from the minutes that were taken and the feedback from the applicant it appears that the neighbors are much happier with the larger lots and the changes that were made and that a lot of the negative comments were no longer voiced. Staff believes that they are moving in the right direction.

Vice Chairman Oehler said that in terms of lot coverage, in going from 35 to 40% that is like taking 8000 ft.² lot coverage for 20,000 ft.² lot. Is there a need to go from 7000 to 8000 because that is what they would be doing for single-stories? That seems to be a pretty large home for those size lots.

Planner Temes said that they often see large lots that have 35 – 40% available for lot coverage and they don't typically see them reach anywhere near that. It does give some flexibility as they have a lot of interest with multigenerational living and having guest quarters in the rear.

Chairman Wittmann asked how this proposal compares to the code amendment that they just did for accessory structures. This would be an addition to that code right.

Planner Temes said that there would be an additional 5% for open air structures, porches, etc. She said that the odds of a lot of this size ever getting up to that point were not great. That would make for a lot of construction on that property.

Chairman Wittmann said if that's how they think why are they asking for it?.

Planner Temes said that they didn't really sit down and think about the 5% but the 5% does not cover livable quarters for accessory structures which means the guest quarters would not be covered and the secondary dwelling units would not be covered. She believed that the development on that property would fall within the standard coverage allowed but that staff would look at that more closely.

Chairman Wittmann said that she also had some concern about the reduction of minimum lot width to 50 feet, especially if it only applies to a certain lots. If there are specific lots where they need the minimum lot width reduced, it should be specified to those particular lots and not given as a by right. She said that in the past they had had some difficulty with permitting these large lots to have front yard setbacks reduced to 15 feet. She said that they had given a previous applicant a lot of heartburn over moving such large homes to the front towards the Street. In this case it may be somewhat different because they are looking to develop single-story homes but that may need to be considered. The lot coverage seems to be a little excessive considering the lot size and the code amendment that they just processed.

Z13-28 - Rezone approximately 14 acres located at the southwest corner of Santan Freeway and Ray Road from Regional Commercial (RC) with a Planned Area Development (PAD) Overlay to Regional Commercial (RC) to remove it from the Gilbert Crossroads PAD.

Senior Planner Mike Milillo stated that Z 13 – 28 was for the Top Golf facility located at the Southwest corner of loop 202 and Ray roads. The request is to rezone a 14 acre parcel from RC PAD which is part of the Gilbert Crossroads Center PAD that was established in 1999 to accommodate indoor/outdoor entertainment and recreation facilities. In the code they are two separate uses but this is a hybrid of two different types of uses. The zoning exhibit indicated the location of the property in the crosshatching and it was noted that it was probably one of the better locations up for a facility of this type because it is very well buffered from any residential uses. It is bordered by the freeway on the East, Ray Road on the North, Santan Village Parkway on the West and commercial land uses on all the roadways in addition to the southern property line. A conceptual site plan was displayed which showed the layout of the facility. Planner Milillo indicated the main access point which provides full motion access on Santan Village Parkway. There is another full motion access point which is located on Ray road with two other access points which are right turn in right turnout. The parking area is located along the Western and Southern boundaries and a small portion of the northern perimeter. The indoor portion of the facility is a 30,000 ft.² three-story building. The facility has microchip golf balls and when you hit them into the outfield or target area you get real-time information on the golf shot. There are also some ancillary restaurant uses that are part of the facility as well. The reason for the rezoning is that the PAD development that was originally established in 1999 established certain standards for setbacks, building height and required parking and because that PAD never really envisioned this specific type of facility but envisioned mixed commercial type of uses, those development standards really are not appropriate for this type of facility. This building requires 53 feet of building height so the straight RC standards of 55 feet of building height will be able to accommodate it. Removing it from the Crossroads Center PAD and applying the LDC standards is the easiest way to move forward.

Commissioner Bianchi said that he had no objections to the use. He asked if even with the hundred 150 foot barrier was there was any concern about golf balls going onto Ray Road or if that had already been mitigated.

Planner Milillo responded that the 150 foot barrier net would be along the perimeter of the outfield.

Commissioner Bianchi asked if the owner owned the property to the South as well and was there any concern about allowing that intersection corner to have more of a commercial use or does the applicant really want that arterial frontage.

Planner Milillo said that he knew that LeSueur Investments owned this property as well as the remaining property to the South that is the RC PAD.

Commissioner Bianchi said that he was curious to see what Design Review would have to say about the 150 foot fence near the road.

Commissioner Peterson said that she thought this was a great location for this use. She said that she believed that the fence would be more netting that you would be able to see through and that would not obstruct any views. With the shape of the property, the design that they already have is probably a pretty good one. She said that she was impressed and liked the project.

Vice Chairman Oehler said that he liked the use at that location but that it would be like having two telephone poles with a big net strung between them. He said that looking at all the cars and storm water all being placed on one side it would be good if there were a way to break up that 150 foot net along that area.

Chairman Wittmann said that she agreed with Commissioner Peterson and that she had no issues with the project.

Z13-30 - Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Division 2 Land Use Designations, Article 2.1 Single Family Residential Districts, Section 2.107 Additional Use Regulations, Subsection A. Animals to amend the regulations pertaining to fowl.

Senior Planner Mike Milillo stated that this case was a Citizen Review and request for initiation of a text amendment to the Land Development Code (LDC). This was actually part of a larger text amendment that went through in 2010. Staff formed a stakeholders group in 2009 and they looked at multiple amendments to the SF District regulations at that time. Almost all of those amendments were recommended for approval by the Commission and consequently approved by the Town Council with the exception of the animal regulations. At the time members of the Council felt that the animal regulations pertaining to fowl were fine the way they were and they were not looking for any modifications. Planner Milillo referred to the following information from page 3 of the staff report as to what the regulations are currently:

- a. On each lot up to 20,000 net square feet of area, any combination of up to 25 rodents and fowl are permitted. For each additional 20,000 square feet of lot area, an additional 25 rodents or fowl are permitted.
- b. Aviaries shall be located at least 100 feet from any property line.

Planner Milillo stated that subsection B has created a real problem for people in the community because aviaries (chicken coops) have to be located 100 feet from any property line according to the existing code. The problem being that this use is actually allowed in SF – 8 districts as well as all the way up to SF – 43. It is probably even difficult to meet a 100 feet property line setback on an SF – 35 or SF – 43 lots but it is impossible to have it on lots smaller than that. In 2009 – 2010 they came up with the current language and decided to have a breakdown of how many animals you can have on the smaller lots versus just allowing up to 25 on lots of up to 20,000 sq. ft. The modification calls for calls for between 8,000 and 10,000 ft.² of lot area where you would be allowed 10 animals and on each lot between 10,000 and 20,000 ft.² you would be allowed a combination of up to 25 and for each additional 10,000 ft.² an additional 12 animals are permitted. It basically allows a smaller number of animals on smaller lots and a larger number of animals on larger lots. The stakeholders at the time thought that made a lot of sense. In terms of the aviaries, instead of having just a blanket 100 foot separation from all property lines, they will be, with this amendment, located within the building envelope which means that they have to meet the same setbacks as the single family house. Planner Milillo referred to the following information regarding roosters from page 3 of the staff report:

D. ONE (1) ROOSTER OVER FOUR MONTHS OLD SHALL BE PERMITTED FOR EACH 20,000 SQUARE FEET OF LOT AREA WITH THE EXCEPTION OF THOSE KEPT FOR “CROP AND ANIMAL RAISING, COMMERCIAL”, PROVIDED THAT THE ROOSTER IS CONTROLLED OR CONTAINED IN SUCH A MANNER AS TO COMPLY WITH MUNICIPAL CODE CHAPTER 6, SECTION 6.2 (NOISY ANIMALS).

Note: The Municipal Code will be amended separately to eliminate peacocks from the definition of fowl.

Planner Milillo stated that Council Members in 2010 did not want to allow additional peacocks on lots because of the noise issue. He noted that this was a citizen’s review and that staff was also asking the Planning Commission to initiate the text amendment.

Commissioner Peterson said that it was her understanding this amendment would help families who wanted to have a few chickens so that they could have their own eggs.

Mr. Milillo said that was correct as it seemed to be a trend all over the country that people want the opportunity to have their own eggs.

Commissioner Powell said that people who have chickens are going to want to put their chicken coop away from their house so he did not agree with item C in the regulations; “C. Aviaries shall be located ~~at least~~

~~100 feet from any property line~~ WITHIN THE BUILDING ENVELOPE.” He said that he believed that item D seemed excessive “D. ONE (1) ROOSTER OVER FOUR MONTHS OLD SHALL BE PERMITTED FOR EACH 20,000 SQUARE FEET OF LOT AREA WITH THE EXCEPTION OF THOSE KEPT FOR “CROP AND ANIMAL RAISING, COMMERCIAL”, PROVIDED THAT THE ROOSTER IS CONTROLLED OR CONTAINED IN SUCH A MANNER AS TO COMPLY WITH MUNICIPAL CODE CHAPTER 6, SECTION 6.2 (NOISY ANIMALS)” and lends itself to an enforcement problem. Commissioner Powell said he believed they could do better in writing the language on C and should consider dropping D entirely.

Chairman Wittmann asked what Commissioner Powell’s proposal would be for C.

Commissioner Powell said that he believed that the location of the aviary should be left to the decision of the property owner and should not be dictated.

Chairman Wittmann said that if they delete D as Commissioner Powell proposed would that permit a rooster or would it just delete the ability to have a rooster altogether.

Commissioner Powell said that he was not suggesting that they prohibit roosters. He was suggesting that it was an unenforceable rule. If you’re going to have chickens you’re going to have roosters. If there is an excessive amount of roosters the homeowners will take care of that. Commissioner Powell said that they do not have to create a law to dictate how people manage chickens.

Planner Milillo stated that the language had come from people who raise fowl who said that they realize that the noise from roosters can create a problem but people who want to propagate chickens need to have a rooster. They suggested adding the language so at least they could control the noise.

Commissioner Bianchi said that he would have a difficult time if they allowed it anywhere on the property line because if someone wants to put it furthest away from their house but closer to the neighbor’s house that is not fair to the neighbors. He said that he also did not know how they would enforce all of that and that he thought it was an unenforceable issue as well. He asked if there were any issues with public health.

Planner Milillo said that they have not really heard of any of those types of issues.

Commissioner Bianchi asked if the way the code is currently if you own a SF – 6, SF – 7, or a SF – 8 lots, can you have rodents or fowl?

Planner Milillo said that he did not have all of the provisions in the code in front of him. These animals are only permitted in SF – 8 through SF – 43.

Commissioner Bianchi said that his concern was that when dealing with SF – 8 that brings into play a lot of master planned communities and other neighborhoods. He asked what role the HOA’s play.

Planner Milillo said that he was sure many HOA’s would prohibit that.

Vice Chairman Oehler said that he looked at a chicken coop almost as a storage unit and you can’t put storage units just anywhere. He asked how they looked at chicken coops in the code.

Planner Milillo said that if they were allowed outside of the building envelope they would fall under the accessory structure regulations. Accessory structures can be built fairly close to the property line so long as they are not tall. They can be built within 5 feet of the property line.

Vice Chairman Oehler said that the building envelope actually works. He said for him it almost looks like a secondary home and that was how he was looking at it. In terms of the rooster he did not know how that would be enforced either. He asked if there was a maximum of animals that they could have.

Planner Milillo said there was no maximum in the code.

Commissioner Peterson said that in terms of enforcement, naming the number of roosters that were allowed would make enforcement easier. If code enforcement is called to a property and there are 5 roosters they know how many there are supposed to be. If left wide-open it would be much more difficult to enforce. She said that she would be more comfortable with naming of the number of roosters allowed just because of enforcement issues.

Chairman Wittmann said that she agreed with Commissioner Peterson that naming the number of roosters would be helpful. Typically people put the chicken coop at the back of their lots adjacent to the wall and furthest away from the house. She said that in her opinion it would be best to locate them somewhere in the rear yard setback as long as that particular lot abuts another rear yard setback. She said that she did believe that they need to have some sort of regulation in place but did not have any issue with allowing this type of use by right.

Chairman Wittmann invited citizens who wished to speak on the item to come forward.

Sheri Schmeckpeper, Gilbert, AZ, came forward. She stated that she was in favor of the changes. Her family lives on an acre and a quarter and raises their own chickens. She noted that most chicken coops tend to be the height of your wall or less and are not very intrusive. Location is usually away from the house but can be in all areas of the yard and are many times placed to fit landscaping. Ms. Schmeckpeper said that she would like to speak in favor of those in smaller lots, the 6,000 to 8,000 ft.² lots. She said that she would like to see those lot sizes also included so that those people can benefit as well. In terms of roosters, typically if there is a noise problem the owners will take care of that problem.

Donna Bruce, Chandler Arizona, came forward in support of her Gilbert friends who raise chickens.

Chairman Wittmann instructed staff to initiate the text amendment.

Z13-31 - Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Division 2 Land Use Designations, Article 2.4 Heritage Village Center Zoning District, Section 2.402 Land Use Regulations, Table 2.402 Land Use Regulations and Article 2.8 Gateway Districts, Section 2.803 Land Use Regulations, Table 2.803 Land Use Regulations to add Colleges, Public or Private to the list of permitted uses.

Senior Planner Mike Milillo stated that it looks very certain that St. Xavier would be coming to Gilbert and the location that they have chosen is in the Heritage Village Center (HVC), however, colleges, public and private are not permitted within the HVC. They are also not permitted in the similar zoning district which is the Gateway Village Center (GVC). They are permitted within the Gateway Business Center zoning district. The proposed text amendment would add the uses for colleges, public and private as a permitted use in both the HVC and the GVC zoning districts.

Commissioner Bianchi asked if this fell under the definition of the school when it comes to permitted or prohibited uses in certain districts or if they classify it as a college does that exempt it. What would be the prohibited uses around it?

Planner Milillo said that there were two separate uses and that was the issue. There are schools, public and private that really cover the K-12 but colleges are a separate use. Obviously, schools are permitted in these districts, but the colleges are not.

Chairman Wittmann asked if there was anyone present who wished to speak on the case. Seeing none, Chairman Wittmann initiated the text amendment.

Z13-02 - Residential Recovery Residences - Citizen Review of amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Division 2 Land Use Designations, Article 2.1 Single Family Residential Districts, Section 2.103 Land Use Regulations, Table 2.103 Land Use Regulations - Single Family Residential Districts and Article 2.2 Multi-Family Residential Districts, Section 2.203 Land Use Regulations, Table 2.203 Land Use Regulations - Multi-Family Residential Districts; Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, by adding new Section 4.5015 Recovery Residence to provide regulations and performance standards for recovery residences; renumbering current Section 4.5015 Miscellaneous Provisions to conform; by amending Division 6 Use Definitions, Article 6.1 Use Definitions to add new definition of "Recovery Residence" and amending the Glossary of General Terms to add a definition of "Single Housekeeping Unit", all related to permitting recovery residences (sober living homes) in residential zoning districts subject to certain performance standards including separation requirements and providing definitions.

Senior planner Mike Milillo stated that Z13-02 has been before the Commission on several occasions. At the last meeting which was also a citizen review where the Planning Commission initiated the amendment they have had somewhat of a change of direction. The Town Attorney has issued a memorandum with his conclusion regarding the use, just to summarize that his feeling based on looking at various case law is that the proposed Use Permit process, which is where they were headed for several months would impose requirements on the disabled community, which is a protected class, that is both legally suspect and likely indefensible. Based on that opinion staff reconvened the focus group and came up with a new framework which was currently being presented. This was to treat the recovery residences, sober homes, very similarly to group homes for the handicapped. Both uses are covered under the federal fair housing act amendments and both speak to the protected class of the disabled but they do need, because recovery residences are somewhat different in that they are not licensed by the state of Arizona, to have a separate set of standards for that particular use. What the zoning framework in front of the Commission currently calls for is permitting recovery residences by right within both single-family residential districts and multifamily residential districts and unlike the prior amendment they would allow that in all of the single-family residential districts as well as the two multifamily zoning districts. That is exactly the way that they permit the group homes for the handicapped currently, so they are consistent. Development Services staff would approve these administratively so long as they met certain requirements and those requirements would be listed in the supplemental use regulations of the zoning code which is exactly where the group home for the handicapped regulations are. They have a purpose statement that would be registration required and they would have to confirm that the recovery residence met the basic requirements of the zoning code, namely that they are in the correct zoning districts, single-family and multifamily residential, and also that they would meet separation distances and that is exactly the way they handle group homes for the handicapped. They would require as part of their procedures an operations and management plan. There was some discussion about this at the last Planning Commission meeting and there was feeling that an operations and management plan would be a good idea, basically providing some basic information about the recovery residence. Planner Milillo referred to the following information from page 3 of the staff report:

- a) ***Standards.*** Recovery Residences shall be located, developed, and operated in compliance with the following standards:
 - i. Recovery Residence shall be operated and managed in compliance with the O&MP submitted with registration.
 - ii. The minimum separation between Recovery Residences shall be 1,200 feet from another recovery residence as measured from the closest property lines.
 - iii. The number of residents, excluding the house manager, shall not exceed two residents per bedroom. The Zoning Administrator may increase the permitted occupancy based on specific characteristics and impacts.
 - iv. There shall be no sign or other exterior indication of a recovery residence visible from a street.

- v. Parking for the recovery residence shall be on-site and comply with LDC Article 4.2: Off-Street Parking and Loading Regulations.
- vi. No Recovery Residence shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.
- vii. If a Recovery Residence owner believes any requirement of the zoning code prevents the establishment of a Recovery Residence in an economically viable manner, the owner shall submit to the Zoning Administrator a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the recovery residence's needs, to address the Town's safety and welfare concerns, and to assure compliance with this section. The Zoning Administrator shall review the written request and determine:
 - a. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and
 - b. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.

The accommodation shall be made only to the extent necessary to comply with the federal and state fair housing laws.

Planner Milillo displayed the current definition and glossary term of recovery residence on the overhead.

1) Definition & Glossary Term:

6.1 Use Definitions

Recovery Residence: A dwelling unit or building used to provide a stable, clean and sober environment for individuals recovering from substance abuse. Every person residing in the residence (excluding the house manager) is an "individual with a disability," as that term is used in the federal and state fair housing laws. Recovery Residences may not necessarily be licensed by the State of Arizona.

Mr. Milillo stated that they ran the new framework by the focus group on October 14 and the focus group suggested a couple of modifications which were incorporated into the framework and this is what they intend to bring back to the Planning Commission at the December public hearing.

Commissioner Powell stated that he had worked with this issue from the onset and was happy to see the end result. He said that it was well structured and well written.

Commissioner Bianchi asked if HOA's could disallow these in their areas based on FHA requirements or rights.

Town Attorney Phyllis Smiley said that she believed that the HOA's are also prohibited from discriminating against the handicapped.

Commissioner Bianchi asked if someone could run multiple recovery residences

Planner Milillo said that there can be multiple homes run by a single owner or company.

Commissioner Bianchi asked how this would classify as a business in a residential area if they are renting rooms for rent for a week or 2 weeks. That is typically not what they see any single-family neighborhood.

Planner Milillo said that what staff found is that it is anywhere between 90 days up into a year.

Vice Chairman Oehler said that he wished there was some way of enforcement for the bad apples.

Chairman Wittmann said that she also had concerns about the worst case scenario bad apples. That doesn't reflect on those businesses operating in a good manner and in accordance with the operation and maintenance plan. For those owners who don't manage it as promised it is strictly through code enforcement and you want to afford existing residences around the facility some opportunity to have the issue dealt with and in a timely manner. Chairman Wittmann asked staff if any consideration was given to providing a maximum number of residents in a home.

Planner Milillo said that perhaps in one of the very early drafts they may have discussed putting a maximum number but the focus group came to the conclusion that it should be based on the number of bedrooms. If they can't meet the parking regulations then they can't go into the home.

Chairman Wittmann asked if they had to park on site or if they could park on the street where on street parking was permitted.

Mr. Milillo said that they need to have all of their parking on the site or on the driveway.

Commissioner Peterson said that the key is that the legitimate businesses that have been coming to the meetings do not want to set themselves up for failure so they are going to look for homes that they can run and manage according to the rules of the Town of Gilbert and the HOA or neighborhood that they go into to.

Chairman Wittmann said that an additional concern for her was that the neighbors do not have a timely remedy if there is an issue as it is a slower processes. There is no option for a quick resolution.

Commissioner Peterson said that until they get this put into place they don't have any legitimate businesses running so they don't have any recourse with the bad apples. By working together with the businesses they can put them into place and then work to get the ones out that shouldn't be there to start with.

Chairman Wittmann asked if there was anyone in the audience who wished to speak on the matter.

Gonzalo Ardavin, Gilbert, AZ was in favor of the item but did not wish to speak.

ADJOURN MEETING

Chairman Wittmann adjourned the meeting at 6:15 p.m.

Chairman Jennifer Wittmann

ATTEST:

Recorder Margo Fry